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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 OUTERBRIDGE ACCESS ASSOCIATION,
12 suing on behalf of DIANE CROSS; DIANE
13 CROSS,

14 Plaintiffs,

15 vs.

16 HOME DEPOT U.S.A., INC.; MIRA MESA
17 MARKETPLACE WEST, LLC,

18 Defendants.


CASE NO. 08cv0046 JM(JMA)

ORDER GRANTING MOTION TO
AMEND; DENYING MOTION TO
DISMISS AS MOOT

19 Defendant Mira Mesa Marketplace West, LLC ("MMM") moves the court to decline to
20 exercise supplemental jurisdiction over the state law claims asserted by Plaintiffs for violation of
21 California Unruh Act and Civil Code §52(a). Plaintiffs responded to the motion by filing a motion
22 to amend wherein they represent that the proposed First Amended Complaint cures any potential
23 defects identified by MMM. In light of the liberal amendment policies of Fed.R.Civ.P. 15(a), the
24 court grants Plaintiffs 15 days leave to amend from the date of entry of this order. The court also
25 denies the motion to dismiss as moot. See Miller v. Yokohama Tire Corp., 358 F.3d 616, 619 (9th Cir.
26 2004).

27 **IT IS SO ORDERED.**

28 DATED: March 26, 2008


Hon. Jeffrey T. Miller

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cc: All parties United States District Judge